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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 2, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Guam (Mr. UNDERWOOD) for 5 minutes.

INTRODUCTION OF GUAM IMMIGRATION BILL AND MAGISTRATE BILL

Mr. UNDERWOOD. Mr. Speaker, today I am introducing two pieces of legislation which are important to the people of Guam. Today I am introducing a bill which will significantly impact human rights violations and criminal activity on Guam. During the past year, Guam has experienced a significant influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of Chinese to illegally

enter the United States for an exorbitant fee of \$8,000 to \$10,000 per person. After undergoing an arduous journey under fetid, unsanitary conditions, the Chinese reach Guam dehydrated, hungry, disease-ridden and sometimes beaten. Upon arrival, the smuggled Chinese become indentured servants as they attempt to pay their passage to America.

Unlike other streams of illegal immigrants coming into the United States, these immigrants come as a result of a well-organized series of activities organized by crime syndicates. What they do, Mr. Speaker, is they utilize the existing INS regulations, they utilize the INA law in order to apply for political asylum when they arrive on Guam.

Guam's geographical proximity and asylum acceptance regulations make it a prime target for crime syndicates. According to Guam's INS officer in charge, Mr. David Johnston, about 700 illegal Chinese immigrants traveled to Guam last year. Since the beginning of this year alone, 157 have been apprehended by INS, local Guam officials and the U.S. Coast Guard. Since the INS does not have enough funds to detain the Chinese illegal immigrants on Guam, they have proposed to release them to the general populace without assistance. Fortunately, the Government of Guam has offered its already strained resources to detain the illegal aliens until they are ready to be adjudicated.

Mr. Speaker, Chinese crime syndicates have exploited Immigration and Nationality Act asylum regulations for too long. The bill I introduce does three things:

It would prohibit immigrants from applying for political asylum on Guam, an exception from the INA law which is applicable to territories; it would stipulate that the illegal immigrants have to be shipped or deported out of Guam within 30 days; and that the Government of Guam should be compensated

for funds spent on the detention of immigrants pursuant to this act. We must put a stop to this gross offense of human rights and promotion of criminal activities.

Secondarily, Mr. Speaker, I am introducing a companion measure introduced in the other body by Senator DANIEL INOUE, S. 184. This legislation permanizes a temporary judgeship in the State of Hawaii and authorizes the addition of another judgeship for the State. It also extends statutory authority for magistrate positions in Guam and the CNMI.

Guam and the CNMI are the only jurisdictions, the only territories, that are not allowed to have additional magistrates, and Guam's district court is ranked number five in terms of its caseload nationwide. We get a lot of cases because of the illegal immigrants, because Guam is a central location. We have opportunities for drug dealers and gun runners to use Guam as a transshipment point. Bankruptcy, tax and civil cases have tripled in 1998.

This is a cost-saving measure. This will allow the Federal judiciary to send an additional magistrate and not send one temporarily, which runs about \$400,000 a year.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district, probably the most diverse district in the State of Illinois representing part of the City of Chicago and the south suburbs, Cook and Will counties, and a lot of bedroom and rural and farm communities.

When you represent a district as diverse as the one I have the privilege of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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representing, you really have to listen to learn the common concerns of such a diverse constituency. I find a pretty clear message as I listen and learn the concerns of the people of the south side of Chicago and the south suburbs and that is that the folks back home want us to work together, they want us to find solutions, they want us to meet the challenges, they want us to offer and work together to find solutions.

I am pleased that, over the last 4 years, this Congress has responded to that request to get things done. We have got some real accomplishments that we all should be proud of:

Balancing the budget for the first time in 28 years, a balanced budget that is now projected to produce a \$2.7 trillion overpayment of extra tax revenue that is now known as a surplus.

The first middle-class tax cut in 16 years. It is going to benefit 3 million Illinois children who qualify for the \$500 per child tax credit.

The first welfare reform in a generation. That has now seen the results of reducing Illinois welfare rolls by 28 percent.

And IRS reform that tames the tax collector and shifts the burden of proof off the backs of the taxpayer and onto the IRS, so a taxpayer is innocent until proven guilty with the IRS.

Folks back home say, "That's pretty good. What are you going to do next?" When I listen to the folks back home over the last few weeks, they tell me they want good schools, they want lower taxes, they want a secure retirement. And it is our obligation to respond. That is really what our Republican agenda is: to help our schools, to put more dollars into the classroom and ensure that our schools are run by local teachers and local parents and local administrators and locally elected school board members, to lower the tax burden on the middle class and to secure retirement by saving Social Security, providing greater incentives to save for your own retirement.

But we also face what can be considered a great challenge but also an opportunity and that is, what do we do with this so-called surplus, this \$2.7 trillion of extra money that is burning a hole in the pocket of Washington? Somebody wants to do something with it. We know that. But what are we going to do? That is a big debate, what to do with the overpayment of \$2.7 trillion.

The President says we should take 62 percent of that so-called surplus and use it to save Social Security, and then he wants to spend the rest on new government programs. Republicans say, we agree. We will take 62 percent of the surplus for saving Social Security, but we want to give the rest back in paying down the debt and lowering the tax burden on the middle class, because our philosophy is that you can spend your hard-earned dollars better back at home than we can for you here in Washington.

Some say, "Well, gee, why do we really need to lower taxes? You know,

people don't mind paying taxes." Here is why. Today our tax burden is at its highest level ever in peacetime history for our country. Today, for the average family back home in Illinois, 40 percent of their income goes to government at local, State and Federal levels. In fact, 21 percent of our gross domestic product goes to the Federal Government alone. And, since 1992, and I find this very disturbing, the amount of taxes collected from individuals has gone up 63 percent. Clearly, the tax burden is too high, and the middle class is paying the price.

I believe as we focus on ways to lower the tax burden on the middle class that we should start with simplifying our Tax Code, looking for the provisions in our Tax Code that discriminate against the middle class, that discriminate against families. I believe it is time that we eliminate discrimination in the Tax Code and work to simplify the Tax Code.

As we set priorities, let us make the top priority eliminating the discrimination against 21 million married working couples who, on average, pay \$1,400 more in higher taxes just because they are married under our Tax Code. Is it not wrong that, under our Tax Code, if you are married and work, you are going to pay higher taxes than an identical couple living together outside of marriage? That is wrong.

\$1,400 back home in Illinois is a year's tuition at Joliet Junior College. It is 3 months of day care at a local day care center. It replaces a washer and a dryer in a home for a middle-class Illinois family.

I am pleased to tell you that 230 Members of this House, Republicans and Democrats, have joined together to sponsor the Marriage Tax Elimination Act. This year, as we work to lower the tax burden on middle-class families, let us make elimination of the marriage tax penalty the number-one priority to help families.

Mr. Speaker, we can do it if we work together. The same way that we balanced the budget, the same way that we cut taxes for the middle class, the same way that we reformed welfare, the same way that we tamed the IRS, we can eliminate the marriage tax penalty.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

Many may recall in January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus. Although we were prepared to dedicate 90 percent of the budget surplus to saving Social Security, we agree with the President that at least 62% of the Budget Surplus must be used to save Social Security.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending for new big government programs—we believe that a top priority after saving Social Security and paying down the national debt should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost \$1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong.

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes \$31,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home \$31,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE

	Machinist	School teacher	Couple	H.R. 6
Adjusted gross income	\$31,500	\$31,500	\$63,000	\$63,000
Less personal exemption and standard deduction	6,950	6,950	12,500	13,900 (singles 2)
Taxable income	24,550 (.15)	24,550 (.15)	50,500 (partial .28)	49,100 (.15)
Tax liability	3,682.5	3,682.5	8,635	7,365

Marriage penalty: \$1,270.
Relief: \$1,270.

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of \$61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of \$1,400 in higher taxes.

On average, America's married working couples pay \$1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bite and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a downpayment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, U.S. Representative DAVID MCINTOSH (R-IN) and U.S. Representative

PAT DANNER (D-MO) and I have authored H.R. 6, The Marriage Tax Elimination Act.

H.R. 6, The Marriage Tax Elimination Act, will increase the tax brackets (currently at 15% for the first \$24,650 for singles, whereas married couples filing jointly pay 15% on the first \$41,200 of their taxable income) to twice that enjoyed by singles; H.R. 6 would extend a married couple's 15% tax bracket to \$49,300. Thus, married couples would enjoy an additional \$8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to \$1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently \$6,900) to twice that of singles (currently at \$4,150). Under H.R. 6 the standard deduction for married couples filing jointly would be increased to \$8,300.

H.R. 6 enjoys the bipartisan support of 230 co-sponsors along with family groups, including: American Association of Christian Schools, American Family Association, Christian Coalition, Concerned Women for America, Ethics and Religious Liberty Commission of the Southern Baptist Convention, Family Research Council, Home School Legal Defense Association, the National Association of Evangelicals and the Traditional Values Coalition.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and gentlemen, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Let's eliminate the marriage tax penalty and do it now!

[From the Chicago Tribune, January 31, 1999]

HOW TO HANDLE THE BUDGET SURPLUS

WASHINGTON.—Four years ago when I was first elected to Congress, I ran on the need for fiscal restraint in Washington, D.C., and a return of power to people back home. We

fought for our belief that we could balance the budget and provide tax relief for America's working families. For months we were told by Washington insiders and the media that it couldn't be done. Well, we proved them wrong, and we did it ahead of schedule.

Today Congress has a great opportunity as well as a significant challenge before it. A massive surplus of extra tax revenue is projected as a result of a balanced budget. The challenge lies in what Congress chooses to do with the budget surplus.

Saving Social Security is the first priority for the surplus. It's a bipartisan consensus. Last fall, House Republicans showed tremendous responsibility and leadership by passing a plan that earmarked 90 percent of the surplus for Social Security. President Clinton used this month's State of the Union message to call for setting aside a minimum of 62 percent of the surplus (\$2.7 trillion over 15 years) for Social Security.

Although we were prepared to set aside much more to save Social Security, Republicans agree to the president's request to set aside 62 percent of the surplus for Social Security. But the question remains of what to do with the rest. President Clinton proposes to spend it on big, new, expensive programs; Republicans want to give this back as tax relief.

Those who oppose tax cuts will fight tooth and nail against lowering today's tax burden. According to the U.S. Treasury, the total income tax take from individuals and families has increased 63 percent since 1992. In fact, according to the Tax Foundation, if you add up the local, state and federal tax burden, taxes are almost 40 percent of the average family's income. Wouldn't most people agree that today's tax burden is too high?

We can save Social Security and cut taxes at the same time. Some say we can't—they were the same ones who opposed balancing the budget and cutting taxes. We proved them wrong. For example, using only 25 percent of the surplus (allowing for an additional 13 percent of the surplus to be dedicated to shoring up Social Security or paying down the national debt) we could enact a 10 percent across-the-board tax cut for all American taxpayers while still eliminating the unfair marriage tax penalty and relieving family farms and family businesses of the inheritance or "death" tax.

The president's step gives us a window of opportunity to save Social Security. We commend the president for his new-found willingness to work with us to save Social Security, secure retirement savings, provide sorely needed tax relief and equip the next generation to compete in a global economy. But now that we have agreed on the first step in saving Social Security, we need to focus on the details. It is irresponsible to spend the people's surplus on new, big government programs. We must give this money back to the American people. Saving Social Security, paying down our national debt and offering real and substantial tax relief to all working Americans are three strong ways to spur our economy and lead the way into the next century.

U.S. Rep. Jerry Weller (R-Ill.)

INTRODUCTION OF LEGISLATION REQUIRING POST OFFICE TO OBEY LOCAL LAND USE LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as somebody who has worked for years on

helping communities find ways to promote livability, I am excited to see the attention that has been accorded lately to the livable communities movement.

It is clear that we do not need a lot of new rules and regulations and mandates and stipulations to be able to make sure that we achieve that goal. It is indeed the simplest step for us to take for the Federal Government to just be a constructive partner with State, local governments and the private sector, working with them to make communities work better. One small but important step would be to have Federal agencies like the post office obey the same rules and regulations requirements that we require on homeowners and businesses.

There are over 40,000 post offices all across America who are these little outposts that bring communities together, and there are opportunities from coast to coast, border to border to be able to promote livable communities by being constructive partners. Unfortunately, the post office has not always lived up to that ideal. Today, in the USA Today, there is an article about Tully, New York, and their struggle with the post office. Last week, it was Byron, California, and Discovery Bay.

Now, I bring this forward not with any animosity toward the Postal Service. To the contrary. I think it is terrific that we can, for less than a dollar, send three handwritten letters all across the country, have them be delivered in a matter of days, that they are delivered by employees who give back to the community, who usually do not just give the postal service but they do so with a smile.

It is a critical function that helps unite and bring people together. In fact, main street post offices are one of the anchors of small town America that add to the business district, that add to the flavor of those communities; and, in fact, that is why it is so important that the post office be a good citizen and a full partner for livability.

That is why my legislation has been endorsed by the Trust for Historic Preservation, by main street associations representing small- and medium-sized businesses all across the country, why the National Governors Association is concerned about this, why the post office itself has recently declared a moratorium on closing and is re-addressing its relationship with the community. They claim far fewer problems than in the past and that there is a new era under Postmaster Henderson.

I have met with the Postmaster General. I am impressed with his commitment, but I think the best way to express this commitment is to stop fighting this legislation and get behind it, to make clear its support for a new era of partnership.

Why should the post office be exempt from planning, zoning and building codes that homeowners and businesses in communities across the country